

ENFIELD ETHICS COMMISSION

REGULAR MEETING MINUTES

JUNE 22, 2015

A regular meeting of the Enfield Ethics Commission was held at Town Hall in the Enfield Room, located at 820 Enfield Street, Enfield, CT on June 22, 2015.

PRESENT: Commissioners Roy Nash, David LaPierre, and Mary Scutt. Also attending was Town Attorney Kevin Deneen.

Chairman Roy Nash called the meeting to order at 7:00 p.m.

Approval of prior meeting minutes: A motion (Nash/Scutt) to approve the minutes from the April 2015 meeting carried.

The commission continued its finalization of the updates regarding the town ordinance and the commission's rules and procedures.

There was discussion and clarification concerning the ability of every commissioner to question witnesses, defendants, etc. as well as the advisability of not communicating ex parte.

The commission also discussed its regular meeting schedule. Commissioner Scutt expressed a desire to have a fixed schedule of meetings. Attorney Deneen clarified that the commission should, but could cancel meetings if there is no business on the agenda.

Commissioner Scutt also asked if the commission secretary would have to take minutes at a hearing. Attorney Deneen said no, support staff and/or recording equipment would be used for that.

A motion (Scutt/LaPierre) to accept the updated Rules of Procedure carried (see attached).

A motion (Scutt/Nash) to approve the new complaint acknowledgement letter carried (see attached).

A motion (Scutt/LaPierre) to adjourn carried. The meeting adjourned at 7:43 p.m.

## ETHICS COMMISSION RULES

### OF PROCEDURE

#### Article I: Introduction

1.1 In order to effect an equitable and efficient process the following Rules of Procedure are adopted pursuant to Section 2-124 and the hearings will be conducted pursuant to Section 2-125 of the Ethics Ordinance. Pronouns are understood to be gender neutral. Unless otherwise specified, all procedural votes require a simple majority of those present and voting.

1.2 The Commission shall elect a Chair for a term of two (2) years. The Chair shall preside at all meetings, and shall be authorized to sign all necessary documents on behalf of the Commission.

1.3 The Commission shall elect a Secretary who shall keep the minutes of the meetings of the Commission. In the event of a contested hearing appropriate staff will be required for the adequate production of the record.

#### Article II: Rules and Procedures for Contested Hearings

2.1 The Commission Chair shall call the meeting to order, call the roll and recognize the confidentiality of the Complaint before them. Unless the Respondent has required a public hearing, the Chair will accept a motion to into Executive Session to conduct the Hearing pursuant to these regulations, the Ethics Ordinance and Section 1-200 et seq of the Connecticut General Statutes.

2.2 At the commencement of any hearing the Chair shall identify the petitioner(s), respondent(s) and their representatives, if any. The Chair will also designate and recognize the Hearing Officer if one is appointed pursuant to the Ethics Ordinance, and shall read the complaint, unless the respondent waives the reading of the complaint.

2.3 The Petitioner and the Respondent will both be permitted the opportunity for brief opening statements, unless waived, of no more than fifteen (15) minutes each, unless extended by the Chair.

2.4 The Petitioner shall present his/her evidence, followed by Respondent presenting his/her defense. The Connecticut Rules of Evidence shall not apply, but the Chair shall rule on objections as to the admissibility of evidence. Privileges existing under Connecticut or federal law shall apply. Commission members may inquire of any witness.

2.5 Closing statements by the Petitioner and Respondent shall be limited to fifteen (15) minutes unless extended by the Chair.

2.6 After closing statements the Commissioners shall retire into Closed Session to deliberate the merits of the case presented. Any finding shall be based upon a preponderance of the evidence presented and the burden of proof shall be upon the Petitioner. No respondent will be found in violation of any provision of the Ethics Ordinance except upon the concurring vote of two-thirds (2/3rds) of the Commissioners present and voting. In all contested cases, the Commission shall issue a written decision.

2.7 Commissioners shall not communicate directly or indirectly with any person or party concerning any issue of fact or law involved in any hearing, Commissioners may have the aid and advice of the Town Attorney, retained counsel or suitable party or staff assigned to assist them in such hearings. The Commission may designate the Town Attorney or retained counsel or suitable authority to communicate with any party or person for the purpose of effecting a compromise or voluntary resolution of any complaint.

2.8 No Complaint filed with the Commission may be withdrawn by the Petitioner except with a two thirds (2/3rds) vote of the Commission.

Revised: June 22, 2015

[DATE]

[COMPLAINANT]

[ADDRESS]

[TOWN], CT [ZIP CODE]

RE: ETHICS COMPLAINT DATED -----

Dear [COMPLAINANT/REQUESTOR],

This is to acknowledge receipt of your sworn complaint dated [DATE]. The Ethics Commission will proceed in accordance with Ordinance 2-125(b), which provides that the Commission shall:

Upon receiving a complaint of an alleged violation of the code of ethics, the commission shall, within ten business days (excluding weekends and holidays), notify in writing the person about whom said complaint has been filed, advising the concerned person of the specific nature of the complaint made and being investigated by the commission, and enclosing therewith a copy of the complaint. The commission shall make a probable cause investigation of the validity of the complaint including interviews or discussions with the complainant, town personnel or members of other public or private agencies. This probable cause investigation shall be held in compliance with G.S. § 7-148h and § 1-82a. Not later than three business days after termination of the investigation, the commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making the finding. At any time after the receipt of a complaint, the commission may dismiss the complaint after finding there is no justification for such complaint; such notice of dismissal outlining its finding and summary of its reasons for making that finding, shall be given, in writing, to the complainant and the respondent. If the investigation finds that there is probable cause to believe that a provision of this Article has been violated, the commission by an affirmative vote of at least four members shall set a date for a hearing held in accordance with Rules of Procedure adopted by the Commission.

In accordance with this ordinance and the Ethics Commission's Rules of Procedure, you will be informed of the Commission's next steps

Very truly yours,

